

Message Text

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ACTION NEA-10

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FM AMEMBASSY KATHMANDU

TO SECSTATE WASHDC 2522

INFO AMEMBASSY BONN

AMEMBASSY LONDON

AMEMBASSY NEW DELHI

C O N F I D E N T I A L KATHMANDU 3472

E.O. 11652: GDS

TAGS: SHUM, OTRA

SUBJECT: B.P. KOIRALA REPORTED HEADING HOME

REF: A) STATE 147350, (B) KATHMANDU 2848

1. KUSUM SHRESTHA, B.P. KOIRALA'S LAWYER, TOLD EMBOFF JULY 5 THAT B.P. WAS SCHEDULED TO LEAVE US ON JULY 7 WITH FIRST STOP BEING LONDON. VISIT TO FRG ALSO POSSIBLE WITH ARRIVAL IN NEW DELHI DUE O/A JULY 15. HOW LONG B.P. WOULD STAY IN INDIA WAS NOT YET CLEAR BUT SHRESTHA ESTIMATED HIS ARRIVAL BACK IN KATHMANDU AS "SOMETIME IN THIRD WEEK OF JULY." AS TO WHAT WILL HAPPEN WHEN B.P. AGAIN SETS FOOT ON NEPALESE SOIL, CLEARLY NO ONE OUTSIDE INNERMOST CIRCLES OF GOVERNMENT (IF EVEN THERE) KNOWS. SHRESTHA'S GUESS IS THAT HE WILL BE REARRESTED, BUT HE IS BY NO MEANS CERTAIN. FRANKLY WE WOULD LEAN IN SAME DIRECTION, BUT WE WOULD ALSO NOT BE SURPRISED IF ISSUE IS STILL OPEN--IF B.P.'S ACTIVITIES ON RETURN JOURNEY MIGHT NOT BE DECISIVE IN HMG'S FINAL DECISION.

2. AS FOR NEXT STEPS IN TRIAL PROCESS, SHRESTHA STATES THERE IS NO WAY OF ESTIMATING HOW LONG APPEAL PROCESS MAY TAKE. APPEAL COURT, MADE UP OF TWO JUDGES, MUST FIRST "GATHER
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EVIDENCE." THERE IS ABSOLUTELY NO TIME LIMIT ON THAT PROCESS. ONCE COURT BELIEVES IT HAS NECESSARY MATERIALS, THEN THERE IS SIX MONTH LIMIT WITHIN WHICH APPEAL MUST BE CONSIDERED. THIS BEGINS WITH HEARING OF GOVERNMENT'S POSITION. IF COURT FINDS MERIT IN THAT PRESENTATION, DEFENSE IS THEN GIVEN ITS CHANCE. BUT AGAIN, KEY POINT IS THAT THIS PROCESS DOES NOT BEGIN UNTIL COURT DECLARES ITSELF READY.

THERE IS MOREOVER ISSUE OF TWO CHARGES NOT YET DECIDED BY SPECIAL COURT. THESE COULD BE DISPOSED OF FAIRLY QUICKLY, BUT AGAIN APPEAL OPTION WILL BE AVAILABLE TO EITHER SIDE. IN SHORT, IT IMPOSSIBLE TO PREDICT TERMINATION DATE FOR LEGAL CONSIDERATIONS OF B.P.'S CASE.

3. ACTION REQUESTED: EMBASSY WOULD APPRECIATE ANY ADDITIONAL INFORMATION DEPT MIGHT HAVE ON B.P.'S TRAVEL PLANS OR ON HIS ACTIVITIES DURING PAST SEVERAL WEEKS IN US. HECK

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